IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.498 OF 2006

IN

STAMP NUMBER REVIEW (APPLN.) NO.2015 OF 2006

IN

WRIT PETITION NO.55 OF 2004

JAYKRISHNA INDUSTRIES LTD., ... Applicant.

Versus

ECONOMIC DEVELOPMENT CORPORATION AND ANR., ... Respondents.

Mr. S. U. Kamdar with Mr. Debashish Majumdar and Mr. Rohit Shetty, Advocates for the Applicant.

Mr. A.N.S. Nadkarni Advocate for respondent no.1.

Mr. M.S. Usgaonkar, Sr. Advocate with Mr. I. Aga for respondent no.2.

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 18th September, 2006.

P.C.

Heard learned counsel for the Applicant and learned counsel for the respondents. By this Miscellaneous Civil Application, the petitioner is seeking condonation of 497 days delay in filing the Review Petition, though however, the petitioner claims that there is a delay of only 15 days. Review petition is filed seeking review of our order dated 16.2.2005 dismissing the Writ Petition No.55 of 2004. Aggrieved by this order, the petitioner approached the Supreme Court by way of a Special Leave Petition. The Hon'ble Supreme Court has declined to interfere with the said

order dated 16.2.2005 and dismissed the same by an order dated 10.4.2006. The present Review Petition is filed after rejection of Special Leave Petition by the Supreme Court, on the ground that there was a fraud, by suppression by Respondents. The present Review Petition was lodged on 29.7.2006 whereby there is a delay of about 497 days. We have perused the affidavit filed on behalf of the petitioner dated 28.7.2006 as well as the additional affidavit dated 4th September, 2006. We do not find any sufficient cause made out for condoning the delay. The above application for condonation of delay is not a bonafide one. The entire exercise is an after thought. There was no dispute that the petitioner's Managing Director himself was personally present for the auction of plot no.36, and plot no.37 and 38 together. We have perused pages 47, 48 and 49, it is clearly mentioned that plot no.36 was auctioned separately and on page no.47 and 48, plot no.37 and 38 are auctioned together. The Managing Director though did not take part in the separate auction, however, was present and he had personally signed the same at the bottom of the pages 47, 48 and 49 on 13th September 2004, hence cannot feign ignorance and file this Review Petition. Hence the application for condonation is not a bonafide one. No case is made out for condonation of delay and the application stands dismissed.

DR. S. RADHAKRISHNAN, J.

N. A. BRITTO, J.

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